



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

promptly and efficiently the too restrictive doctrines of some of the state courts. Finally, it is by no means clear that the author's skepticism regarding the utility of the fourteenth amendment as a safeguard of negro rights is justified, even today.

But while the reviewer does not accept Mr. Collins's general thesis, he has found the volume most informing. It should be pointed out, however, that the list of cases given in Appendix E, is not quite complete. *Knoxville Iron Company v. Harbison*, 183 U. S. 13, is an important omission.

EDWARD S. CORWIN.

PRINCETON UNIVERSITY.

The Framing of the Constitution of the United States. By MAX FARRAND. New Haven, Yale University Press, 1913.—ix, 281 pp.

Professor Farrand, with whose edition of the *Records of the Federal Convention* students of constitutional history are familiar, presents in this volume a semi-popular account of the making of the Constitution of the United States. It is not intended to be a complete history of the subject. "It is a brief presentation of the author's personal interpretation of what took place in the Federal Convention. It is merely a sketch in outline, the details of which each student must fill out according to his own needs" (page viii). It consists of thirteen chapters and four appendices, the latter containing the Articles of Confederation, the Virginia Plan, the New Jersey Plan and the Constitution. Chapters v-xii present what is perhaps the best brief narrative that has been written of the proceedings of the Convention. No man is better qualified than Professor Farrand to tell this story, for his work on the records has given him a thorough knowledge of the day-to-day debates of the Convention, and he tells it in a plain, straightforward manner. Of particular interest is the chapter on "The Committee of Detail," whose report receives credit as "an important stage in the framing of the Constitution." The author shows that in working the twenty-three resolutions referred to it by the Convention into a draft constitution the committee was aided chiefly by the Articles of Confederation, from which many provisions were taken literally.

A few important powers were added, but the significant change is the attempt to infuse into the new system sufficient energy and power to carry out the functions that had been granted to the old. With the qualification

just stated, it is not too much to say that the Articles of Confederation were at the basis of the new Constitution [page 128].

Next to the Articles, the documents most used, says Professor Farrand, were the New Jersey and Pinckney plans; and the state constitutions, especially the New York constitution of 1777, were freely drawn upon.

In an article published in 1908, entitled "The Federal Convention and the Defects of the Confederation," the author made known his interpretation of the Convention's work, his "key" to the Constitution. This article forms the basis of chapter iii of the present book, where the interpretation is re-stated in these words: "The specific task which the Convention thus had before it was to remedy a series of perfectly definite defects [of the Articles of Confederation] each of which had revealed itself in the experience of little more than ten years" (page 52). And the same conclusion is elsewhere presented with greater boldness in the assertion that "there is practically nothing in the Constitution that did not arise out of the correction of these specific defects of the confederation" (page 202).

This interpretation is no doubt sound as far as it goes, but it tells us little of the principles, influences and interests that swayed the Convention. It is as impossible to interpret the Constitution without a knowledge of the personnel of the delegates as it would be to appreciate *Paradise Lost* without reference to Milton. When an application of therapeutics constitutes the organic law of the land, we naturally wish to know who made the diagnosis. Professor Farrand has failed to give us any concrete impression of the "fathers." This is all the more disappointing, because he tells us that in the process of editing the records he has grown familiar with the personalities of the more important delegates and that "a mental picture of the Convention was formed which developed into a conviction as to what the delegates were trying to do and what they actually accomplished" (page vii). If he has seriously tried to communicate this impression to his readers, he has been singularly unsuccessful. Chapter ii, on "The Convention and its Members," consists of a series of "tags" purporting to characterize the fifty-five members who actually attended. These "descriptions" are almost wholly without value; a few diverting anecdotes are related, some facts are given, but no information is vouchsafed to help the reader to understand the spirit of the Convention, the mental attitude of the members towards the great governmental, social and economic problems which confronted them. As an example of the kind of description which Professor Farrand offers, that of Charles Pinckney may be quoted:

Charles Pinckney, at twenty-nine, was the youngest member of the delegation and one of the youngest men in the Convention, and he must have appeared to be still younger, for Pierce speaks of him as only "twenty-four." Rather superficial but brilliant, with a high opinion of his own ability and with extraordinary conversational powers, it is little wonder that he pushed himself forward, and it is not surprising that he seems occasionally to have been sharply snubbed by his elders.

All of which is clearly not helpful to an understanding of how Pinckney stood on the big problems of the day, or how he was likely to vote on important questions. In writing this chapter the author seems to have depended chiefly on the *Notes* taken by Pierce of Georgia, an inconspicuous delegate from a remote state, whose acquaintance with most of the members of the Convention was of the most superficial character. The fact is that the personalities of the delegates, which so largely determined the spirit of the Convention, cannot be adequately dealt with on the basis of a study, however minute, of the records of the Convention alone. In the opinion of the reviewer a satisfying interpretation of the Constitution will be impossible until a thorough study of the careers of its framers shall have been made.

What manner of men were these whom Jefferson called "an assembly of demi-gods"? What was their attitude toward democracy? Were they on the whole genuinely representative of the people, building on a broad, humanitarian foundation; or was the product of their labors what the latest commentator of Magna Carta declares that document to have been—class legislation? Is it true, as President Wilson has said, that "the government had . . . been originated and organized upon the initiative and primarily in the interest of the mercantile and wealthy classes?" It is matter for regret that a writer who knows perhaps in greater detail than anyone else the proceedings of the Convention tells us nothing of the Convention's *Geist*.

R. L. SCHUYLER.

La Gestion par l'État et par les municipalités. By YVES GUYOT. Paris, Félix Alcan, 1913.—viii, 437 pp.

In reading M. Guyot's books one must always remember that M. Guyot is, first of all, an anti-Socialist polemist and, secondly, a Parisian journalist. The former fact, indeed, he never allows you to forget; the latter makes him always interesting.

This book is written to combat the advance of municipal and state ownership, and more particularly to call the "bluff," as the author